

## REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-8 and 10-19 are pending and stand rejected.

Claims 1, 6 and 17 are independent claims. Claims 20 and 21 have been added.

Claims 1-7 and 10-19 have been amended.

Claims 1-8 and 10-19 stand rejected under 35 USC 112, second paragraphs as being indefinite. Claims 1-8 and 10-19 stand rejected under 35 USC 102(e) as being anticipated by Takahashi (WO2004/059648) (Also, USP no. 7,453,782).

Applicant thanks the Examiner for his further comments regarding the rejection of the claims made in the Office Action and in particular the rejection with regard to the claim element "which of selected ones of said at least one area," in that the claims fail to "set forth any selection, it is not what or how a selection is made."

Applicant also wishes to thank the Examiner for taking the time to discuss this matter in a telephonic interview in order to further clarify the reason for rejecting the claims.

In support of the rejection of claims 1-8 and 10-19 under 35 USC 112, second paragraph, the Office Action asserts that the "limitation 'which of selected ones of each said at least one area' and 'selected ones of each of said at least one area' lacks sufficient antecedent basis. Furthermore only one area is required by the claim making unclear as to what selection of those suppose 'each of said at least one area' is being, was or were made."

Applicant respectfully disagrees with and explicitly traverses the rejection of claims 1-8 and 10-19 as requiring a selection process as the term "selected ones" was intended to refer to individual ones of the area for data storage being in use.

However, in order to advance the prosecution of this matter in view of the Examiner's further discussion regarding the rejection of the claims, Applicant has elected to amend the independent claims to remove the objected-to claim language.

Applicant submits that for the amendments made to the claims, the reason for the rejection has been overcome.

In maintaining the rejection of the claims 1-8 and 10-19 under 35 USC 102, the Office Action asserts "Takahashi discloses a record carrier (1) comprising at least one area (21/15; DMWA) for storing disc management information, said record carrier further comprising an area (14), associated with a first one of said at least one area, comprising signals indicating which of 'selected ones of each of' said at least one area for storing disc management information is in use, each of said signals being related to a corresponding one of said at least one area for storing disc management information (see Figs. 2, 5, 6, 8; corresponding description for the drawings; for example see page 27, line 16-page 36, line 4). (emphasis in the original).

In addition, in reply to the Applicant's remarks in response to the previous Office Action, the Office Action further states "[a]pplicant argues that Takahashi fails to disclose any association of the DMW's in the form of an area, associated with a first one of said at least one area, comprising signals indicating which of selected ones of each of said at least one area for storing disc management information is in use, each of said signals being related to a corresponding one of said at least one area for storing disc management information. Takahashi clearly discloses 'an area' 14 'that is associated' and corresponding with every at

least one (i.e., each) area 21/15; DMWA, which is for disc management information. Area (14) comprising signals indicating that such area for defect management information is in use, since the recording /reproducing apparatus obtains latest DMWA by the associating it's corresponding area 14. Takahashi clearly specifies that recorded area 14, which when recorded implies having such signals that defines neighboring areas between the recorded latest DMWA (in use) and unrecorded DMWA (not in use). Contrary to Applicant's assertion, Takahashi et. al do in fact disclose *in forma [sic]* of an area associated because also area 14 contains the defect list positional information for each of its corresponding 'selected' DMWA."

Applicant thanks the Examiner for his further explanation regarding the rejection of the claims. However, applicant continues to respectfully disagree with and explicitly traverse the rejection of the claims.

However, in order to advance the prosecution of this matter, Applicant has amended the independent claims to refer to a designation area including a predefined number of clusters, at least one cluster corresponding to a data storage area. No new matter has been added. Support for the amendment may be found at least in Figure 4 and the accompanying text. (page 4, lines 9-14, "In these single layer and dual layer discs at least one TDMA area is available, that is TDMA0. In an embodiment of the invention **a predefined number of clusters** of the at least one TDMA area (TDMA0) is reserved to indicate a filled TDMA. **This predefined number corresponds to the number of TDMA areas.** In an alternative embodiment the at least one TDMA area (TDMA0) is followed by a Detection Area consisting of a predefined number of clusters reserved to indicate a filled TDMA").

In addition, page 4, lines 15-24 discloses "Figure 4 shows part of an information layer L0 of a dual layer disc (as is shown in figure 2) where a TDM0 consisting of 1048 clusters is followed by a **Detection Area consisting of 4**

**clusters.** The indication used is the presence of a high frequency (HF) indicator for each cluster representing one of the four subsequent TDMA areas (TMDA1 to TDMA4 in figure 2). The presence of a high frequency (HF) in a cluster in the **Detection area indicates that the corresponding TDMA area (1, 2, 3 or 4) on the disc is in use.** The data content of the clusters in the Detection Area itself is not relevant for the detection. In the example shown in figure 4, TDMA2 is the TDMA area currently being used by the drive for TDMA updates, while TDMA0 and TDMA1 are full or cannot be used anymore for some other reason."

Claim 1, as amended recites:

1. A record carrier comprising a plurality of areas for storing disc management information and a designation area, said designation area including a predefined number of clusters, said predefined number being associated with a number of said plurality of areas, wherein at least one of said clusters is associated with a corresponding one of the plurality of areas for storing disc management information, wherein signals in the designation area indicate which corresponding one of said plurality of areas for storing disc management information is in use.

As previously presented, with reference to Figure 2, Takahashi discloses a data structure of a WORM disc, wherein a plurality of defect management areas (DMA) 10, 11, 12 and 13 are shown in addition to a temporary management area 20. The temporary management area 20 includes a plurality of defect management working areas 1-N, each of which is referred to as DMWA 21. 16."

Takahashi teaches each DMWA area 21 includes its own DSS area 14 in a manner similar to that of the management area (10).

As each defect management area (10, 11, 12 and 13) and DMWA 21 includes its own corresponding (associated) disc definition structure 14 and defect list 15, each disc definition structure 14 provides information regarding the defect list<sup>15</sup> **related to a specific (or corresponding one) of the defect management area (10, 11, 12 and 13) or DMWA 21.**

Nowhere does Takahashi teach that the defect definition structure 14 (and defect list 15) includes a predefined number of clusters, the predefined number of clusters being associated with a number of the plurality of data areas.

Hence, ***the DDS 14 is not comparable to the "designation area"*** as is recited in the claims. DDS 14 fails to include any information regarding a number of clusters as is recited in the claims.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Takahashi cannot be said to anticipate the subject matter recited in claims 1, 6 and 17, as Takahashi fails to disclose a designation area as is recited in these claims.

With regard to the remaining claims, these claims are dependent from corresponding ones of the independent claims and, hence, these remaining claims are also not anticipated by Takahashi by virtue of their dependency upon an allowable base claim.

For the amendments made to the claims and for the remarks made, herein, applicant submits that the reason for the rejections of the claims has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In order to advance the prosecution of the matter, applicant respectfully requests that any errors in form that do not alter the substantive nature of the arguments presented herein be transmitted telephonically to the applicant's representative so that such errors may be quickly resolved or pursuant to MPEP 714.03 be entered into the record to avoid continued delay of the prosecution of this matter any further.

MPEP 714.03 affords the Examiner the discretion, pursuant to 37 CFR 1.135 (c), to enter into the record a bona fide attempt to advance the application that includes minor errors in form.

"[a]n Examiner may treat an amendment not fully responsive to a non-final Office Action by: (A) accepting the amendment as an adequate reply to the non-final Office action to avoid abandonment ... (B) notifying the applicant that the reply must be completed... (C) setting a new time period for applicant to complete the reply ...

The treatment to be given to the amendment depends upon:

- (A) whether the amendment is bona fide; (B) whether there is sufficient time for applicant's reply ... (C) the nature of the deficiency.

Where an amendment substantially responds to the rejections, objections or requirements in a non-final Office action (and is bona fide attempt to advance the application to final action) but contains a minor deficiency (e.g., fails to treat every rejection, objection or requirement), the examiner may simply act on the amendment and issue a new (non-final or final) Office action. The new Office action may simply reiterate the rejection, objection or requirement not addressed by the amendment (or otherwise indicate that such rejection, objection or requirement is no longer applicable).

This course of action would not be appropriate in instances in which an amendment contains a serious deficiency (e.g., the amendment is unsigned or does not appear to have been filed in reply to the non-final Office action)..."

However, if the Examiner believes that such minor errors in form cannot be entered into the record or that the disposition of any issues arising from this response may be best resolved by a telephone call, then the Examiner is invited to contact applicant's representative at the telephone number listed below to resolve such minor errors or issues.

Amendment  
Docket No: 2004P00478US  
(formerly NL040129US1)  
Serial No. 10/597, 413

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,  
Michael E. Belk, Reg.No. 33357

Date: May 31, 2011

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